IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 1618 OF 2005
ALONGWITH
CRIMINAL WRIT PETITION NO. 1620 OF 2005

Kiran Desai ...Petitioner

Versus

Ciba Specially Chemicals
(India) Ltd. & another ...Respondents

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Mr. A.P. Mundargi i/b K.H. Paleja, Advocate for Petitioner

Mr. Parvez Ubharay, Advocate for Respondent No.1.

Mr. V.B. Konde Deshmukh and Mr. Y.S. Shinde, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.
DATED: 29TH JUNE, 2005

P. C.:-

1. Heard both sides.

2. The petitioner has prayed for quashing of process issued against him in Criminal Case No.216/S/2003 and 225/S/2003 which are pending in the Court of learned Additional Chief Metropolitan Magistrate, 43rd Court at Borivali, Greater Mumbai. In the said case, process has been issued against the petitioner under Section 138 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 passed in Criminal Writ Petition No.213 of 2005 and order dated 21st June, 2005 passed in

Criminal Application No.550 of 2005, the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer revision before the concerned Sessions Court. To enable the petitioner to prefer necessary revision, the proceedings before the trial Court are stayed for a period of three weeks from today. The learned advocate for the respondent-original complainant fairly states that no objection would be raised in respect of limitation in filing revision before the Sessions Court.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing necessary parties.

6. Office to issue authenticated copy of this order to the parties.

7. Criminal writ petitions are disposed of.

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